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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

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CR22-01608 TUC-RM(LCK)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States America,

Plaintiff,

vs.

1. Javier Heras-Rodriguez,
(Counts 1-10)
2. Anthony Ortiz,
(Counts 1, 4-5, 9-10)
3. Daniel Garcia,
(Counts 1-5, 7-10)
4. Ricardo Caro,
(Counts 1-5, 7-10)
5. Sebastian Nido-Valenzuela
(Counts 1, 6)

Defendants.

INDICTMENT

Violations:

18 USC §371
(Conspiracy)
Count 1

18 USC §922(a)(6); 18 USC §924(a)(2);
and, 18 U.S.C. § 2
(False Statement in Connection with
Purchase of Firearm)
Counts 2-5

18 U.S.C. § 554; and, 18 U.S.C. § 2
(Smuggling Goods From the United States)
Counts 6-10

18 USC §924(d); 26 USC §5872; and
28 USC §2461(c)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT 1

CONSPIRACY

From a time unknown to on or about December 1, 2021, in the District of Arizona, defendants JAVIER HERAS-RODRIGUEZ, ANTHONY ORTIZ, DANIEL GARCIA, RICARDO CARO, and SEBASTIAN NIDO-VALENZUELA, did knowingly and

intentionally combine, conspire, confederate, and agree together and with persons known and unknown to the grand jury, to commit offenses against the United States, that is: to fraudulently and knowingly export and send from the United States, and attempt to export and send from the United States any merchandise, object, and article contrary to law and regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738, that is firearms and firearm components; and to receive, conceal, buy, sell, and in any other manner facilitate the transportation, concealment, and sale of said firearms and firearm components, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, in violation of Title 18, United States Code, Section 554(a).

Purpose of the Conspiracy

The purpose of this conspiracy was to commit, and assist in the commission of, the unlawful smuggling of firearms and firearm components from the United States into the Republic of Mexico. The firearms and firearm components smuggled or intended to be smuggled in the course of this conspiracy include, but are not limited to:

- One (1) Glock model 38, .45 GAP caliber pistol.
- One (1) F.N. Scar 17s, .308 caliber, semi-automatic rifle;
- One (1) F.N. Scar 17s, .308 caliber, semi-automatic rifle;
- One (1) F.N. Scar 17, 7.62x51mm caliber, semi-automatic rifle; and,
- One (1) Barrett .50 caliber, semi-automatic rifle.

The Means and Methods of the Conspiracy

The means and methods employed by the defendants and their co-conspirators to carry out the conspiracy and effect its unlawful objects are as follows:

It was part of the conspiracy that certain defendants and/or co-conspirators would purchase firearms from federally licensed firearms dealers or private sellers in the District of Arizona.

1 It was a further part of the conspiracy that these defendants would purchase the
2 firearms on behalf of other defendants and/or co-conspirators, both known and unknown
3 to the grand jury.

4 It was a further part of the conspiracy that, in purchasing the firearms, certain
5 defendants and/or co-conspirators would make false statements and representations to the
6 federally licensed firearms dealers, in that in connection with each purchase, the purchasing
7 defendant would fraudulently state that he was the actual transferee/buyer of the firearm(s).

8 It was a further part of the conspiracy that, following each firearm purchase, the
9 purchasing defendant would transfer possession of the firearm(s) to other defendants or co-
10 conspirators, both known and unknown to the grand jury.

11 It was a further part of the conspiracy that the defendants and/or their co-
12 conspirators, both known and unknown to the grand jury, would take possession of, and/or
13 transport the firearms within the District of Arizona with the knowledge that the firearms
14 were intended to ultimately be transported from the United States into the Republic of
15 Mexico, and/or transport the firearms and other objects from the United States into the
16 Republic of Mexico.

17 It was a further part of the conspiracy that the defendants and/or their co-
18 conspirators did not have any valid license or other authority to export the firearms from
19 the United States into the Republic of Mexico.

20 **Overt Acts**

21 In furtherance of the conspiracy, one or more of the co-conspirators committed, or
22 caused to be committed, the overt acts described below:

23 On or about September 16, 2021, in the District of Arizona, NIDO purchased one
24 (1) Glock model 38, .45 GAP caliber pistol, from a private seller. Thereafter, on or about
25 September 18, 2021, NIDO exported, or arranged to have exported with co-defendants and
26 co-conspirators both known and unknown to the grand jury, the firearm to the Republic of
27 Mexico.

1 On or about November 20, 2021, in the District of Arizona, CARO purchased one
2 (1) F.N. Scar 17s, .308 caliber, semi-automatic rifle, from a federally licenses firearms
3 dealer, and represented that he was the actual purchaser of the firearm when in fact he was
4 acquiring the firearm on behalf of other defendants and co-conspirators both known and
5 unknown to the grand jury. Thereafter, CARO exported, or arranged to have exported with
6 co-defendants and co-conspirators both known and unknown to the grand jury, the firearm
7 to the Republic of Mexico.

8 On or about November 29, 2021, in the District of Arizona, CARO purchased one
9 (1) F.N. Scar 17s, .308 caliber, semi-automatic rifle, from a federally licenses firearms
10 dealer, and represented that he was the actual purchaser of the firearm when in fact he was
11 acquiring the firearm on behalf of other defendants and co-conspirators both known and
12 unknown to the grand jury. Thereafter, CARO exported, or arranged to have exported with
13 co-defendants and co-conspirators both known and unknown to the grand jury, the firearm
14 to the Republic of Mexico.

15 On or about November 30, 2021, in the District of Arizona, ORTIZ purchased one
16 (1) F.N. Scar 17, 7.62x51mm caliber, semi-automatic rifle, from a federally licenses
17 firearms dealer, and represented that he was the actual purchaser of the firearm when in
18 fact he was acquiring the firearm on behalf of other defendants and co-conspirators both
19 known and unknown to the grand jury. Thereafter, ORTIZ exported, or arranged to have
20 exported with co-defendants and co-conspirators both known and unknown to the grand
21 jury, the firearm to the Republic of Mexico

22 On or about December 1, 2021, in the District of Arizona, ORTIZ purchased one
23 (1) Barrett .50 caliber, semi-automatic rifle, from a federally licenses firearms dealer, and
24 represented that he was the actual purchaser of the firearm when in fact he was acquiring
25 the firearm on behalf of other defendants and co-conspirators, both known and unknown
26 to the grand jury. Previously, ORTIZ had arranged to have exported with co-defendants
27 and co-conspirators both known and unknown to the grand jury, the firearm to the Republic
28 of Mexico.

1 All in violation of Title 18, United States Code, Section 371.

2 **COUNT 2**

3 On or about November 20, 2021, in the District of Arizona, defendant RICARDO
4 CARO, in connection with the acquisition of a firearm, that is, one (1) F.N. Scar 17s, .308
5 caliber, semi-automatic rifle; from SNG Tactical, a licensed dealer of firearms within the
6 meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious
7 written statement to SNG Tactical, which statement was intended and likely to deceive
8 SNG Tactical as to a fact material to the lawfulness of such sale of the said firearm to the
9 defendant under Chapter 44 of Title 18, in that defendant RICARDO CARO, represented
10 that he was the actual buyer of the firearms when in fact he was not, and defendants
11 JAVIER HERAS-RODRIGUEZ and DANIEL GARCIA aided, abetted, counseled,
12 commanded, induced, and procured such false and fictitious statement;

13 All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2) and
14 2(a).

15 **COUNT 3**

16 On or about November 29, 2021, in the District of Arizona, defendant RICARDO
17 CARO, in connection with the acquisition of a firearm, that is, one (1) F.N. Scar 17s, .308
18 caliber, semi-automatic rifle, from Strapt Armory, a licensed dealer of firearms within the
19 meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious
20 written statement to Strapt Armory, which statement was intended and likely to deceive
21 Strapt Armory as to a fact material to the lawfulness of such sale of the said firearm to the
22 defendant under Chapter 44 of Title 18, in that defendant RICARDO CARO, represented
23 that he was the actual buyer of the firearm when in fact he was not, and defendants JAVIER
24 HERAS-RODRIGUEZ and DANIEL GARCIA aided, abetted, counseled, commanded,
25 induced, and procured such false and fictitious statement;

26 All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2) and
27 2(a).

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1 COUNT 4

2 On or about November 30, 2021, in the District of Arizona, defendant ANTHONY
3 ORTIZ, in connection with the acquisition of a firearm, that is, one (1) F.N. Scar 17,
4 7.62x51mm caliber, semi-automatic rifle, from Strapt Armory, a licensed dealer of firearms
5 within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false
6 and fictitious written statement to Strapt Armory, which statement was intended and likely
7 to deceive Strapt Armory as to a fact material to the lawfulness of such sale of the said
8 firearm to the defendant under Chapter 44 of Title 18, in that defendant ANTHONY
9 ORTIZ, represented that he was the actual buyer of the firearm when in fact he was not,
10 and defendants JAVIER HERAS-RODRIGUEZ, RICARDO CARO and DANIEL
11 GARCIA aided, abetted, counseled, commanded, induced, and procured such false and
12 fictitious statement;

13 All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2) and
14 2(a).

15 COUNT 5

16 On or about December 1, 2021, in the District of Arizona, defendant ANTHONY
17 ORTIZ, in connection with the acquisition of a firearm, that is, one (1) Barrett .50 caliber,
18 semi-automatic rifle, from The Hub, a licensed dealer of firearms within the meaning of
19 Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written
20 statement to The Hub, which statement was intended and likely to deceive the Hub as to a
21 fact material to the lawfulness of such sale of the said firearm to the defendant under
22 Chapter 44 of Title 18, in that ANTHONY ORTIZ represented that he was the actual buyer
23 of the firearm when in fact he was not, and defendants RICARDO CARO, JAVIER
24 HERAS-RODRIGUEZ, and DANIEL GARCIA aided, abetted, counseled, commanded,
25 induced, and procured such false and fictitious statement;

26 All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2) and
27 2(a).

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1 COUNT 6

2 On or about September 18, 2021, in the District of Arizona, defendants JAVIER
3 HERAS-RODRIGUEZ and SEBASTIAN NIDO-VALENZUELA knowingly and
4 fraudulently exported and sent from the United States any merchandise, article, or object
5 contrary to any law or regulation of the United States, and received, concealed, bought,
6 sold, and in any manner facilitated the transportation, concealment, and sale of such
7 merchandise, article or object, that is: one (1) Glock model 38, .45 GAP caliber pistol,
8 knowing the same to be intended for exportation contrary to any law or regulation of the
9 United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal
10 Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738.

11 All in violation of Title 18, United States Code, Sections 554(a) and 2(a).

12 COUNT 7

13 On or about November 20, 2021, in the District of Arizona, defendants JAVIER
14 HERAS-RODRIGUEZ, DANIEL GARCIA, and RICARDO CARO knowingly and
15 fraudulently exported and sent from the United States any merchandise, article, or object
16 contrary to any law or regulation of the United States, and received, concealed, bought,
17 sold, and in any manner facilitated the transportation, concealment, and sale of such
18 merchandise, article or object, that is: one (1) F.N. Scar 17s, .308 caliber, semi-automatic
19 rifle, knowing the same to be intended for exportation contrary to any law or regulation of
20 the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of
21 Federal Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738.

22 All in violation of Title 18, United States Code, Sections 554(a) and 2(a).

23 COUNT 8

24 On or about November 29, 2021, in the District of Arizona, defendants JAVIER
25 HERAS-RODRIGUEZ, DANIEL GARCIA, and RICARDO CARO knowingly and
26 fraudulently exported and sent from the United States any merchandise, article, or object
27 contrary to any law or regulation of the United States, and received, concealed, bought,
28 sold, and in any manner facilitated the transportation, concealment, and sale of such

1 merchandise, article or object, that is: one (1) F.N. Scar 17s, .308 caliber, semi-automatic
2 rifle, knowing the same to be intended for exportation contrary to any law or regulation of
3 the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of
4 Federal Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738.

5 All in violation of Title 18, United States Code, Sections 554(a) and 2(a).

6 **COUNT 9**

7 On or about November 30, 2021, in the District of Arizona, defendants JAVIER
8 HERAS-RODRIGUEZ, ANTHONY ORTIZ, DANIEL GARCIA, and RICARDO CARO
9 knowingly and fraudulently exported and sent from the United States any merchandise,
10 article, or object contrary to any law or regulation of the United States, and received,
11 concealed, bought, sold, and in any manner facilitated the transportation, concealment, and
12 sale of such merchandise, article or object, that is: one (1) F.N. Scar 17, 7.62x51mm caliber,
13 semi-automatic rifle, knowing the same to be intended for exportation contrary to any law
14 or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title
15 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations, Part
16 738.

17 All in violation of Title 18, United States Code, Sections 554(a) and 2(a).

18 **COUNT 10**

19 On or about December 1, 2021, in the District of Arizona, defendants JAVIER
20 HERAS-RODRIGUEZ, ANTHONY ORTIZ, DANIEL GARCIA, and RICARDO CARO
21 knowingly and fraudulently attempted to export and send from the United States any
22 merchandise, article, or object contrary to any law or regulation of the United States, and
23 received, concealed, bought, sold, and in any manner facilitated the transportation,
24 concealment, and sale of such merchandise, article or object, that is: one (1) Barrett .50
25 caliber, semi-automatic rifle, knowing the same to be intended for exportation contrary to
26 any law or regulation of the United States, to wit: Title 50, United States Code, Section
27 4819; Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal
28 Regulations, Part 738.

1 All in violation of Title 18, United States Code, Sections 554(a) and 2(a).

2 **FORFEITURE ALLEGATION**

3 Upon conviction of Counts One through Ten of the Indictment, the defendants,
4 ANTHONY ORTIZ, JAVIER HERAS-RODRIGUEZ, DANIEL GARCIA, RICARDO
5 CARO and SEBASTIAN NIDO-VALENZUELA, shall forfeit to the United States
6 pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code,
7 Section 2461(c), any firearms and ammunition involved in the commission of the offense,
8 including, but not limited to:

- 9 • One (1) Glock model 38, .45 GAP caliber pistol;
- 10 • One (1) F.N. Scar 17s, .308 caliber, semi-automatic rifle, bearing serial number
- 11 H1C10205;
- 12 • One (1) F.N. Scar 17s, .308 caliber, semi-automatic rifle, bearing serial number
- 13 HC59025;
- 14 • One (1) F.N. Scar 17, 7.62x51mm caliber, semi-automatic rifle, bearing serial
- 15 number HC61469; and,
- 16 • One (1) Barrett .50 caliber, semi-automatic rifle, bearing serial number AA013058.

17 If any of the property described above, as a result of any act or omission of the
18 defendants: a) cannot be located upon the exercise of due diligence; b) has been transferred
19 or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of
20 the court; d) has been substantially diminished in value; or e) has been commingled with
21 other property which cannot be divided without difficulty, it is the intent of the United
22 States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title
23 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said
24 defendants up to the value of the above forfeitable property, including, but not limited to,
25 all property, both real and personal, owned by the defendants.

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1 All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States
2 Code, Section 2461(c) and Rule 32.2(a), Federal Rules of Criminal Procedure.

3
4 A TRUE BILL

5 **/s/**
6 FOREPERSON OF THE GRAND JURY
7 Dated: July 21, 2022

8 GARY M. RESTAINO
9 United States Attorney
District of Arizona

REDACTED FOR
PUBLIC DISCLOSURE

10 **/s/**
11 ADAM D. ROSSI
12 Assistant United States Attorney
13 DATED: July 21, 2022
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